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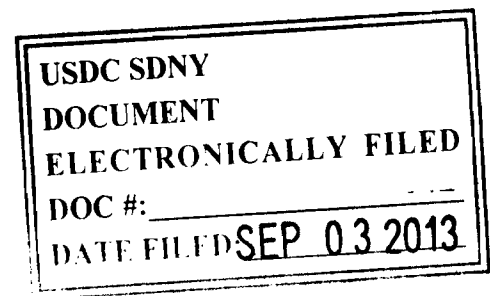
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August 30, 2013

(via e-mail – [ForrestNYSDChambers@nysd.uscourts.gov](mailto:ForrestNYSDChambers@nysd.uscourts.gov))

The Honorable Katherine B. Forrest  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 730  
New York, New York 10007

Re: In Re: 650 Fifth Avenue and Related Properties,  
08 Civ. 10934 (KBF)



Dear Judge Forrest:

Assa Corp. and Assa Limited ("Assa") respectfully submit this letter in response to the letter dated August 28, 2013 submitted by the Office of the United States Attorney (the "Government"). The Court's Order of August 26, 2013 directed the Government to detail, with respect to each witness sought to be precluded by the Alavi, 650 Fifth Avenue Company and Assa, the *precise* date upon which discovery relating to each witness was produced and whether that discovery was produced prior to that witnesses deposition.

However, a review of the letter submitted by the Government indicates that the Government has, at least in part, not complied with the Court's directive.

For the Court's convenience, I am attaching hereto a table which reflects each of the nineteen dates when the Government provided thousands of pages of documents subsequent to the April 1, 2013 cutoff date.

The documents produced after that date pertain to the following individuals:

[REDACTED]

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The Government's statement of its document production related to [REDACTED] is patently false. The Government conveniently fails to mention the fact that on June 6, 2013, the Government prepared and sent out FBI documents 114493-123545. Contained within that packet of materials were the original handwritten interview notes pertaining to [REDACTED], and the FBI Form 302 summaries of each of those interviews.

On [REDACTED] was conducted. At [REDACTED] Assa's attorneys did not have the benefit of those documents because the Government had arranged to make sure that the documents would not be received until after the [REDACTED] had been concluded.

The Government admits that it produced documents related to [REDACTED] on July 1, 2013 but fails to tell the rest of the story – the Government has had in its possession approximately 3,966 pages of document which it received in October, 2011 and deliberately failed to turn over the documents without any credible explanation for the delay. The Government similarly failed to respond until August 16, 2013 to Assa's request for OFAC documents which had been requested in 2011.

Based upon the Government's failure to comply with the Order of the Court or to offer a valid excuse for its failure to comply with the Order of the Court, to prevent any prejudice to the Assa who have been inundated with these documents just before trial, all documents produced by the Government after April 1, 2013 which are set forth on the accompanying chart, and all testimony related to those documents should be precluded.

In addition, the Government's request of today to add [REDACTED] to its witness list two weeks before trial should not be granted. Assa has not been afforded the opportunity to depose this witness and allowing the Government to do so is severely prejudicial to Assa.

Respectfully submitted,

ROSEN LIVINGSTON & CHOLST LLP

Ordered

Post to docket.

← B. For  
usdj

9/3/13

By: /s/ Peter I. Livingston  
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Encls.

cc: Counsel of Record (via e-mail w/ encls.)

Government Document Production After April 1, 2013

Package Number	Letter Date	Mailing Date	Contents	Bates #
9	04/01/13	04/02/13		SDNY 758357-758364
				SDNY 758365 - 758409
				SDNY 758410 - 758437
				SDNY 758438 - 759185
10	04/29/13	04/30/13		
				FBI 104549 - 104579
				FBI 104580 - 105497
				FBI 105498 - 106923
				FBI 106924 - 107842
				FBI 107843 - 109365
				FBI 109366 - 109843
				FBI 109844 - 109855
				FBI 109856 - 111103
				FBI 11104 - 111604
				FBI 111605 - 112383
				FBI 112384 - 114470
11	06/06/13	06/07/13		FBI 114493 - 123545
12	06/14/13	06/17/13		SDNY 0759186 - 0761013
13	06/21/13	06/26/13		SDNY - 0761026
				SDNY 0761027 - 0761970
14	06/26/13	06/27/13		SDNY 0761971 - 0761997
				SDNY 0761998
				SDNY 0761999
15	06/27/13	06/28/13		SDNY 0762000 - 0762003
				SDNY 0762004 - 0762020

				SDNY 0762021 - 0762030
				SDNY 0762031 - 0765562
16	06/28/13	07/01/13		REV-FBI 000001 - 000133
				REV-FBI 000134 - 000327
				REV-FBI 000328 - 000563
				REV-FBI 000564 - 000758
				REV-FBI 000759 - 000893
				REV-FBI 000894 - 001043
				REV-FBI 001044 - 001224
				REV-FBI 001225 - 001411
				REV-FBI 001412 - 001543
				REV-FBI 001544 - 001670
				REV-FBI 001671 - 001832
				REV-FBI 001833 - 001971
				REV-FBI 001972 - 002192
				REV-FBI 002193 - 002338
				REV-FBI 002339 - 002555
				REV-FBI 002556 - 002750
				REV-FBI 002928 - 003174
				REV-FBI 003560 - 003818
				REV-FBI 003819 - 003989
				REV-FBI 003990 - 004161
				REV-FBI 004162 - 004421
				REV-FBI 007168 - 007265
				REV-FBI 007266 - 007563
				REV-FBI 007684 - 007782
				REV-FBI 018583 - 018604
				REV-FBI 018605 - 018692
				REV-FBI 023884 - 023936
				REV-FBI 023937 - 024160
				REV-FBI 024164 - 024413
				REV-FBI 025871 - 026078
				REV-FBI 026079 - 026320
				REV-FBI 026321 - 026496

				REV-FBI 026497 - 026692
				REV-FBI 027071 - 027073
				REV-FBI 027125 - 027168
				REV-FBI 027169 - 027181
				REV-FBI 027182 - 027390
				REV-FBI 027391 - 027533
				REV-FBI 051982 - 052163
				REV-FBI 090805 - 091053
				REV-FBI 091545 - 091790
				REV-FBI 091791 - 092039
17	07/01/13	07/02/13		000001 - 003967
18	No cover letter in file	07/10/13		SDNY 0762150 - 0762167
				FBI 048958 - 048925, but out of order
				SDNY 0762168 - 0762383
				SDNY 0762301 - 0762149
				SDNY 0762384 - 0762395
				SDNY 0762396 - 0762437
19	07/15/13	07/16/13		SDNY 0765563-0765971
				SDNY 0765754 - 0765755
20	07/24/13	07/25/13		FIB 123792 - 129831
21	07/23/13	07/24/13		

22	07/25/13	07/26/13		SDNY 0765972 - 0766020
				SDNY 0765563 - 0765971
				SDNY 076574 - 0765755
23	07/26/13	07/29/13		FBI 129832 - 142692
24	07/31/13	Hand Delivery		SDNY 0766021 - 0766456
25	08/15/13	Hand Delivery		SDNY 0766457 - 0766459
				SDNY 0766460 - 0766639
26	08/16/13	Hand Delivery		Assa 1 - 235, Melli 1 -667, OFAC Administrative Record, OFAC Licenses related to 650 Fifth Ave., Assa & Melli Matrix
27	08/23/13	Hand Delivery		OFAC 1 - 10934, Emails, memoranda, OFAC 531 - 546, OFAC Licenses 10934 Document Matrix